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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,019	01/21/2004	Scott Schneider	10010261-2	3984

7590 10/20/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SHAPIRO, JEFFERY A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,019	SCHNEIDER, SCOTT	
	Examiner	Art Unit	
	Jeffrey A. Shapiro	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/05 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-11 and 16-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lhoest (US 5,946,217) in view of Mizobuchi et al (US 5,522,309), and further in view of Johnson (US 6,788,980 B1).

Lhoest discloses a solution reservoirs (110b), a solution receptacle feeders (110a) in the form of containers (210) in which material is either released from or transferred to the respective container. See col. 6, lines 43-58 of Lhoest. See also col. 1, lines 45-50, which states that syrups and droplets are dispensed. Lhoest further discloses that the system is a computer driven installation (10) in which the reservoirs and feeders are all movable relative to each other. In other words, either the feeder can

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be either stationary or movable, as all containers (210) are movable on a means consisting of roller or chain conveyors, for example, as described at col. 6, lines 59-64. The containers (210) are identifiable to the system by labels or other means such as optical reading and weighing. See col. 11, lines 16-21 and col. 12, lines 10-28.

Lhoest does not expressly disclose, but Mizbuchi discloses "identifying a solution receptacle feeder and an instruction component indicating a volume of the solution to be delivered to the solution reservoir." Mizbuchi discloses more particularly, an apparatus for mixing various materials to produce different mixtures, in this case, food items. Various carrier vessels contain food materials, each vessel having a memory which holds processing information including type of material called for in the mixture, volume of the material contained and volume of various materials to be dispensed as well as the instructions concerning the release of these materials. See Mizbuchi abstract, figures 1 and 2, col. 3, lines 54-67, col. 4, lines 1-5, col. 6, lines 16-30, col. 9, lines 10-27 and 40-46, col. 10, lines 7-18 and 45-53 (states that quantitative filling is provided), and col. 12, lines 1-14, which states that the weight of processed products is measured and determined and used in processing the food products. Note also that volume is construed as analogous to or derivative from the weight of the material and that mixing items requires knowledge of the amounts of the various components. Such amounts of items are also construed as "processing conditions" necessary for the production of the end-product material.

Both Lhoest and Mizbuchi are considered to be analogous art because they both concern dispensing and mixing of bulk materials to obtain a final mixture.

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At the time of the invention, it would have been obvious to use the control system and algorithms of Johnson to control the dispensing system of Lhoest to dispense items according to particular mixture amounts and recipes.

The suggestion/motivation would have been to produce various pharmaceutical mixtures at high production efficiency either simultaneously or successively. See Mizbuchi, col. 3, lines 12-30.

Lhoest does not expressly disclose, but Johnson discloses use of transceivers and wireless connections for connecting the components of the computer controlled installation. See Johnson, col. 5, lines 63-67 and col. 6, lines 1-7, noting that a satellite necessarily uses a transceiver to both receive and transmit signals. Note also col. 5, lines 8-15, which states that Johnson's system can be used with any industrial manufacturing process or device/system with both monitoring and control. Note also that both Lhoest's and Johnson's systems, require reception of signals such as queries and data from sensors and broadcast of signals in response to said data such as control instructions for particular parts of the system.

Both Lhoest and Johnson are considered to be analogous art because the both concern electronic control of industrial systems.

At the time of the invention, it would have been obvious to use the wireless based control system of Johnson to control the dispensing system of Lhoest.

The suggestion/motivation would have been to improve control of disparate apparatus by simplification of control system components and reduction of cost by use of readily available hardware. See Johnson, col. 3, lines 16-28.

Additionally, It would have been obvious to use a transceiver to combine both the transmitter and receiver circuitry into one circuit, in order to perform the same function as the two circuits separately so as to save space and cost and to increase efficiency by reducing heat generation caused by additional circuitry. Since both a transceiver and the separate receiver and transmitter work the same, and Applicant has not provided a particular reason for using a transceiver over other functionally equivalent separate circuits, the prior art is considered to read on Applicant's claims as currently written.

Response to Arguments

4. Applicant's arguments with respect to claims 8-11 and 16-32 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the new limitations added to the independent claims "wherein the instruction component has a value indicating the continuous volume to be delivered", note that the term "continuous volume" can be construed to be a volume of liquid dispensed "regularly, repeatedly and constantly." See pp.250-251 of Merriam-Webster's Collegiate Dictionary, 10th ed. There is no claim limitation in the independent claims indicating that an incoming liquid volume value varies. Even if a volume value did vary, it would have been obvious to one of ordinary skill in the art to have caused the incoming liquid volume to vary according to an algorithm or other criterion. Mizobuchi suggests this in col. 9, lines 40-46, because a "processing conditions controlling device" controls the "processing conditions of said processing means in each compartment." Further, col. 10, lines 46-53 mention the use of "quantitative filling" of vessels, which implies control of a filling procedure based on volume. Col. 11, lines 3-

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10 concern an "introduction device" that is "provided with a quantitative device." Col. 12, lines 1-15 delineates a feedback control process to ensure that varying conditions are compensated for so that quantities of finished products are produced in the quantities desired. One ordinarily skilled in the art would have considered this feedback control scheme to include an instruction component that has a volume value indicating the material to be delivered.

In the alternative, it would have been obvious for one ordinarily skilled in the art to have used a calculating device to feed information backwards or forwards to change the volume of incoming liquid to any other part of the system based on criterion such as the weight of the processed products in various vessels. Although Mizobuchi discloses using "predetermined amounts" of items, such as spices, soups, water (see col. 12, lines 47-62). However, these "predetermined amounts" can change based upon an entered recipe or, as suggested by Mizobuchi, by other conditions fed forward or backward throughout the system. For example, if a mixture is found to be too dry based on the stirring motor torque value being too low, such a condition would be fed back to the controller which would then release a certain amount of liquid into the mixture to make it more moist. This would have been found to be obvious to one of ordinary skill based on the fundamentals of controls engineering. Mizobuchi's system is completely capable of handling such a feedback control scheme, as is suggested by Mizobuchi's own disclosure.

Therefore, the rejection of Claims 8-11 and 16-32 is maintained.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

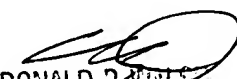
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro
Examiner
Art Unit 3653

October 15, 2005



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600